IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25010 of 2008
JITAN SINGH
Versus
STATE OF BIHAR

For the petitioner:- Mr. Pranav Kumar, Advocate

For the State:- Mr. I.B. Pandey, A.P.P.

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3 19.8.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is an accused in a case under Sections 302/34/120B of the Indian Penal Code.

Allegation is that petitioner along with two other persons came to the house of deceased and took him to Saraiya Bazar at about 11:00 A.M. Subsequently at about 6:00 A.M. the informant got information on Telephone that his aforesaid brother namely Yogendra Singh has been found dead near the shop of Sambhu Yadav.

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Learned counsel for the petitioner submits that though the petitioner has been named in the F.I.R. but only allegation on him is that he took the deceased to Saraiya Bazar in the morning at 11:00 P.M. However, in the evening he was found dead. Therefore, merely on suspicion he has been named. He further submits that in the F.I.R. itself it has been stated that there was previous enmity with Sambhu Yadav in front of whose shop the dead body of deceased was found. It is stated that he is in jail custody since 27.3.2008 without any substantial material or evidence against him. Further, that there is no criminal back ground of the petitioner.

Learned counsel for the State submits that it has come in the case diary in paragraph-6 that petitioner along with another person was seen trying to lift the body of the deceased. However he admits that apart from the suspicion and the role assigned in the F.I.R. there is no other evidence in the case diary.

In the aforementioned facts and circumstances of the case and having regard to the aforesaid submissions made on behalf of the parities, I direct the petitioner namely, Jitan Singh, to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Ara, Bhojpur in connection with Ara Muffasil P.S. Case No. 45 of 2008.

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P.K. **(Dr. Ravi Ranjan, J.)**